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RUEHBY/AMEMBASSY CANBERRA 1848  
RUEHPB/AMEMBASSY PORT MORESBY 1408  
RUEHWL/AMEMBASSY WELLINGTON 1609  
RUEHNZ/AMCONSUL AUCKLAND 0554  
RUEHDN/AMCONSUL SYDNEY 0962  
RUCNDT/USMISSION USUN NEW YORK 0320  
RHMFISS/HQ USCENCOM MACDILL AFB FL  
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TAGS: [MARR](#) [PREL](#) [PHUM](#) [KPKO](#) [FJ](#) [UNAU](#) [IZ](#)  
SUBJECT: FIJI MILITARY STOPPED FROM SENDING SUSPECT  
SOLDIERS TO IRAQ

REF: SUVA 502

Classified By: Amb. Dinger. Sec. 1.4 (B,D).

Prosecutors stop RFMF suspects from deploying to Iraq

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11. (U) Fiji media reported over the weekend that a number of Republic of Fiji Military Forces (RFMF) soldiers, suspects in the murder of Sakiusa Rabaka early this year, were stopped from departing on deployment to UNAMI in Iraq. (See reftel for context.) The Fiji Office of the Director for Public Prosecutions (ODPP) issued a media release today taking credit for that result. The ODPP said it was "faced with a situation where the departure of the suspects would have deferred due process for an indefinite period, and after unsuccessful attempts at consultation, the ODPP decided to intervene." Murder charges were filed on Oct. 25 against 9 accused soldiers. With that, ODPP obtained summons which were served on the accused on Oct. 25 and 26. The ODPP said it anticipates "the course of action taken will initiate a fair legal process in the courts that will in turn go some way to help restore a measure of public confidence in the administration of Criminal Justice in (Fiji)."

Some in RFMF were protecting suspects

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12. (C) We hear from a contact within the RFMF Legal Services that, as has appeared the case for months, certain people in the RFMF wanted to protect the suspects. Ever since last December's coup, the RFMF has sought immunity from prosecution for any and all "illegal" actions. We are told the DPP has resisted that course. In the murder cases, the RFMF allowed initial police investigations but then stonewalled all ODPP efforts to press charges. More recently, someone in the RFMF insisted on assigning the suspects to a 216 man contingent bound for Iraq under command of Major Eroni Bali. When word got out that the contingent would depart Oct. 27, the DPP authorized the prosecutor in Nadi to obtain the summons from a magistrate's court and ensure service. The first hearing of the case is set for Nov. 23. Some reports suggest the 9 suspects have been placed on the Fiji Immigration "watch list." Other reports say the RFMF, which has seconded a senior officer to run Immigration, has made clear that no RFMF personnel will be placed on the "watch list."

Still seeking clarity

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13. (SBU) Much remains unclear. As of COB Oct. 29, the RFMF

has refused to comment, as has Police Commissioner Teleni, who until recently was number two in the RFMF. Still, we hear the RFMF did abide by the summons, at the last minute not having the 9 accused board and removing their luggage from the plane; but we have no absolute proof of that as yet.

Earlier reports (reftel) suggested the one RFMF suspect in the other death case, Verebasaga in January, was also set to deploy. We hear he also remains in Fiji.

A UN role?

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[14.](#) (U) According to PACNEWS on Oct. 29, the UN ResRep in Fiji, Richard Dictus, said the UN head office held consultations with Fiji's interim government about the deployment. The story says the inquiry was based on media reports. Dictus is now on UN business in Samoa, so we have been unable to verify that.

Comment

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[15.](#) C) We will continue to attempt to verify exactly what happened behind the scenes regarding the RFMF murder suspects. For now, though, it appears the RFMF abided by the DPP legal moves, so the 9 soldier suspects remain in Fiji. If that is indeed the case, it is a positive sign; though, of course, the initial effort to whisk the suspects to Iraq was a clear attempt to evade the "rule of law."

DINGER